



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jim Wells et al. Docket No.: 39750-0002DV.J  
Serial No.: 09/981,547 Group Art Unit: 1639  
Filing Date: October 17, 2001 Examiner: Epperson, Jon D  
For: **METHODS FOR RAPIDLY IDENTIFYING SMALL ORGANIC  
MOLECULE LIGANDS FOR BINDING TO BIOLOGICAL TARGET  
MOLECULES**

RECEIVED  
U.S. PATENT AND TRADEMARK OFFICE  
APR 23 2003  
1639-1331300

**TERMINAL DISCLAIMER UNDER 37 CFR § 1.321(c)**

Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

1. The owner, Sunesis Pharmaceuticals, Inc., having a principal place of business at 341 Oyster Point Boulevard, South San Francisco, California 94080, represents that it is the owner of the entire right, title and interest in the invention disclosed and claimed in the above-identified patent application. Sunesis Pharmaceuticals, Inc. is also the owner of the entire right, title and interest in the invention disclosed in U.S. Patent No. 6,335,155, and U.S. Patent Application Publication Nos. 2002/0081621 A1, 2002/0155505 A1, 2002/0022233 A1, and 2003/0013125 A1.

Sunesis Pharmaceuticals, Inc. hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and

04/22/2003 MDAHTE1 00000068 09981547

01 FC:2814 55.00 CH

**CERTIFICATE OF MAILING (37 CFR 1.10(a))**

CERTIFICATE OF MAILING BY "EXPRESS MAIL" - Rule 10: I hereby certify that this correspondence is being deposited on April 18, 2003 with the U.S. Postal Service "Express Mail Post Office to Addressee" under 37 CFR 1.10 as Express Mail No. EV165101156US addressed to: Box Fee Amendment, Commissioner for Patents, Washington, D.C. 20231

Date: April 18, 2003

*Cheryl Ann Rogers*  
Cheryl Ann Rogers

173, as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 6,335,155, or any of U.S. Patent Application Publication Nos. 2002/0081621 A1, 2002/0155505 A1, 2002/0022233 A1, and 2003/0013125 A1. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application, and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer. In the event that it later is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole, or terminally disclaimed under 37 C.F.R. 1.321; has all claims canceled by a re-examination certificate; is reissued; or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

2. For submission on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

3. I hereby declare that all statements made herein of my own knowledge are true, that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statement may jeopardize the validity of the application or any patent issued thereon.

4. The undersigned is an attorney of record.

5. The Commissioner is authorized to charge any fees, including any fees for extension of time, or credit overpayment to Deposit Account No. 08-1641 (Attorney Docket No.: 39750-0002DV1). A duplicate copy of the transmittal letter accompanying the present Terminal Disclaimer is enclosed.

Respectfully submitted,

Date: April 18, 2003

  
\_\_\_\_\_  
Ginger R. Dreger  
Reg. No. 33,055

**HELLER EHRLICH WHITE & McAULIFFE LLP**  
**Customer No. 25213**  
275 Middlefield Road  
Menlo Park, California 94025  
Telephone: (650) 324-7000  
Facsimile: (650) 324-0638